

REMARKS**I. Restriction**

Claims 1-6 were cancelled in response to the Restriction Requirement of August 16, 2004. Claims 7-13 are pending.

II. Specification Objection

The Examiner objected to the specification on the grounds that the Applicant has not defined the first control signal. The Applicant submits that the claimed first control signals of claims 7 and 12 are not necessarily control signals input to a particular controller as interpreted by the Examiner. In particular, the claimed first control signal of claim 7 is a control signal based on a disturbance signal and an error signal, and is described with respect to the example embodiment of Fig. 2 and the attendant description. See, e.g., page 4 of the specification, line 10 - page 5, line 13. The claimed first control signal of claim 12 is a control signal proportional to the difference between the predicted error signal and an output signal proportional to the output of the controlled process and the disturbance signal in a second partitioned feedback loop, and is also described with respect to the example embodiment of Fig. 2 and the attendant description. Withdrawal of the objection is respectfully requested.

III. Specification Informality

The specification has been amended to reflect the issuance of U.S. Pat. No. 6,721,608.

IV. Rejections Under 35 U.S.C. § 102(a)

Claims 7-13 were rejected under 35 U.S.C. § 102(a) as being anticipated by the article entitled "Partitioned Error Control" and published in the Journal Industrial & Engineering Chemistry Research in September, 1999. This reference was co-authored by the Applicant and Dr. Kenneth A. Debelak.

In response to the rejection of claims 7-13, the Applicant submits a first declaration under 37 C.F.R. § 1.132, signed by the Applicant, and which establishes that the relevant portions of the subject reference cited by the Examiner are the Applicant's own work. Additionally, the Applicant submits a second declaration under 37 C.F.R. § 1.132, signed by Dr. Kenneth A. Debelak, the co-author of the subject reference, through which Dr. Debelak establishes that the relevant portions of the subject reference originated with, or were obtained from, the Applicant. The § 1.132 Declaration by Dr. Debelak was originally submitted in parent Application Ser. No. 09/531,057.

These declarations are timely submitted under MPEP 716.01, and thus the subject reference cannot be used to reject claims 1-13 under 35 U.S.C. § 102(a). Therefore, the Applicant respectfully submits that claims 7-13 are presently in condition for allowance and respectfully requests that the Examiner issue a Notice of Allowance in due course.

V. Conclusion

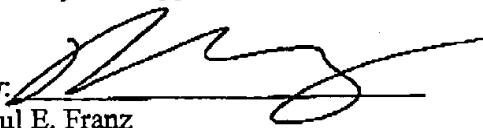
For the reason set forth above, the Applicant submits that the application is presently in condition for allowance and requests that a Notice of Allowance be issued.

The Commissioner is hereby authorized to charge any additional fees and credit any overpayment associated with this response to Jones Day Deposit Account No. 501432, ref. 503447-605002.

Respectfully submitted,

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